



(M.D. Fla.) (the “Florida Lawsuit”). The Florida Lawsuit was commenced on April 22, 2011. The circumstances and facts of this Illinois Lawsuit are similar to the Florida Lawsuit in that Fidelity is indemnifying the Defendants (Fidelity’s customers), and is involved in discovery as a third party.

The Honorable Judge Scriven recently stayed discovery in the Florida Lawsuit while the Court takes under consideration a Motion to Stay filed by the Florida Defendants in that action. See Exhibit A: Florida Dkt. No. 218, Order Staying Discovery issued on April 26, 2013). The Florida Defendants’ Motion to Stay refers to a case that Plaintiff initiated against Fidelity on March 1, 2013. See case no. 3:13-cv-00223-MMH-JRK (M.D. Fla.) (the “FIS Lawsuit”). Defendants allege that the FIS Lawsuit will resolve some or all of the issues before the Florida Court with the Florida Lawsuit. Plaintiff disputes Defendants’ position, as it believes that there are at most just a few services that may overlap, but that the vast majority of FIS’s infringement does not relate to or overlap with the issues raised in the Florida Lawsuit.

The Defendants in this Illinois Lawsuit are similarly situated as the Defendants in the Florida Lawsuit due to the similarities in the Defendants’ Accused Products and Services, and similarities in FIS’s involvement in third party discovery requests as the vendor supplying and/or supporting the Accused Products and Services.

Because of these similarities in facts and posture of the Parties, Plaintiff provides this Notice of Recent Development to this Honorable Court.

Dated: May 16, 2013

Respectfully submitted,

/s/ Maureen V. Abbey  
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**CERTIFICATE OF SERVICE**

I, Maureen V. Abbey, an attorney, hereby certify that on May 16, 2013, I caused to be served the NOTICE OF RECENT DEVELOPMENT with the Clerk of the Court using the CM/ECF system, which will send an electronic copy of the foregoing to all counsel of record and constitutes service under Federal Rule of Civil Procedure 5(b)(2)(E) pursuant to Local Rule 5.9 of the Northern District of Illinois.

/s/ Maureen V. Abbey